
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

GILBERTO JESUS MORALES, #52417-379	§	
	§	CIVIL ACTION NO. 4:18-CV-869
<i>versus</i>	§	CRIMINAL ACTION NO. 4:13-CR-200(4)
	§	
UNITED STATES OF AMERICA	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (#19) concluding that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255 should be denied and dismissed with prejudice. Movant filed objections (#20).


In the objections, Movant reurges the ineffective assistance of counsel and prosecutorial misconduct claims that he raised in the § 2255 motion. Despite his arguments, Movant fails to show that, but for his counsel's errors, he would not have pled guilty, and instead, would have insisted on going to trial. *See Hill v. Lockhart*, 474 U.S. 52 (1985). Movant also fails to show that, absent counsel's errors, his sentence would have been different. *See Glover v. United States*, 531 U.S. 198 (2001); *Strickland v. Washington*, 466 U.S. 668 (1984). Furthermore, Movant does not show that the Government committed prosecutorial misconduct. Lastly, Movant fails to show that he is entitled to a hearing. Movant fails to show the Report and Recommendation is in error or that he is entitled to habeas relief.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and

having made a *de novo* review of the objections raised by Movant to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Movant's objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 27th day of July, 2021.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE